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SUBJECT: Efforts Against Domestic Violence Increasing

Summary

1. Mongolia is increasing efforts to combat an epidemic of domestic violence which affects perhaps a third of all women. As well as a 2004 law, a draft national action plan will be submitted in September, and the Supreme Court may clarify some remaining legal issues in coming months. While public and law enforcement awareness of domestic violence and the new law remain inadequate, awareness campaigns are improving matters. The number of shelters for women has increased, but remain inadequate and are overburdened in Ulaanbaatar. Funding is a problem, both for the shelters and awareness campaigns. While problems still abound, the new law is universally regarded as having made things better; all 37 cases prosecuted under the law so far this year resulted in convictions. The U.S. has helped combat this problem, through grants to The Asia Foundation, as well as a role in establishing one of the country's few shelters. End summary.

An Epidemic of Domestic Violence

2. While there is no recent rigorous study, observers believe that as much as one-third of Mongolia's female population experiences domestic violence. Since Mongolia's democratic revolution in 1990, economic and societal changes have created new stresses on families, including loss of jobs, and greatly increased alcoholism. Some statistics show that more than 60 percent of family abuse cases are related to alcohol abuse. Responding to this epidemic, in May 2004, the Mongolian Parliament passed its first law against domestic violence. The law was put into effect on January 1, 2005. The law provides a general outline for protection and prevention measures against domestic violence to be taken by the state, NGOs, and citizens.

National Action Plan Coming

3. As envisioned in the 2004 law, a committee composed of government and NGO representatives have drafted a national action plan against domestic violence, and intend to submit it in September. The plan will elaborate on the provisions of the original law and add a fiscal section that will demand state subsidy of women's shelters in the country. Some missing clauses in the 2004 law, including procedural standards relating to victim support, are to be incorporated into the plan. Committee members told emboff that they are optimistic the plan will be approved.

Further Legal Changes Necessary

4. Ms. Oyuntsetseg, director of the Mongolian Women's Lawyers Association (MWLA), told emboff that the law is crucial for the definitions that it provides, but is inadequate in developing an established enforcement protocol. Provisions in the Criminal Procedural Law, Civil Law, Law on Crime Prevention and other associated acts are at variance with the new law against domestic

violence, which complicates legal enforcement. Ms. Oyuntsetseg identified three main steps to effective implementation: Supreme Court ratification of an interpretation of the law; Parliament ratification of a national action plan; and amendments to contradictory articles in related laws. An NCAV official complained to emboff that Parliament's male majority creates a variety of obstacles to correcting legal problems (note: only 5 of 76 MPs are female; under a new electoral law passed last December, 30% of parties' parliamentary candidates in the 2008 elections must be women).

15. A committee of NGOs dedicated to gender issues wrote an intended interpretation of the law that they submitted along with the original legislative proposal. This initial interpretation has been reviewed by the justices of the Supreme Court who are currently drafting an official version that they expect to introduce within the next year.

Awareness a Problem...

16. Inadequate awareness among the public and law enforcement officials both about domestic abuse and the new law remains a problem. Ms. Oyuntsetseg of the MWLA distinguished between the obstacles faced in the poorer, more isolated areas and populated districts. She claimed that the courts and the general public of urban regions understand the harms and legal ramifications of physical abuse but do not grasp the more ambiguous notion of psychological abuse. The poorer, rural populations disregard both physical and psychological abuse.

17. Ms. Kherlen of The Asia Foundation (TAF) told emboff that the greatest hindrance in affecting change to be the lack of understanding among the state and local police. She agreed with the enforcement issues that Ms. Oyuntsetseg identified in the smaller soums, but claimed problems still persist even among urban enforcement bodies. She believed that judges are at times still using the older laws, a sign that while the many organized training sessions are helpful, the large numbers of untrained judges and police render current activities insufficient.

But Awareness Campaigns Paying Off

18. Education-based efforts have been most successful at motivating change. These involve both public awareness campaigns and organized trainings. NCAV, the Mongolia Women Farmers Association (MWFA), and the "Open Door" Family Development Center (FDC) work together to train police, government officials, judges, military personnel, and select individuals on the local, community level. The Coalition of Women's NGOs, a core group of organizations dedicated to gender issues, established an annual 16-day campaign focused on training and educating the public. Since 1995, these campaigns have been instrumental in increasing awareness, particularly in the city.

19. There are progressively more awareness projects targeting rural districts. TAF is funding a joint project with NCAV and the MWFA that is directed at four predetermined urban and rural regions. It will provide a more extensive account of abuse trends throughout the country and will promote understanding on a local level through radio broadcasting, written documents, public involvement, police training and the development of 'multidisciplinary teams.' These teams are composed of social, medical, educational and legal representatives who learn to function independently of NCAV and thus serve as a local base for future programs and community support. Of current total of the three teams, two were established with NCAV help.

110. NCAV is the primary organization involved in providing services to abuse victims and coordinating organization between local governments, NGOs, and independent groups. They have continued to build new branches and gain a greater presence in local communities.

The increased awareness regarding legal rights has generated a greater number of people using the available counseling and protection services. Ms. Munkhsaruul of NCAV told emboff that the frequency of domestic violence has not declined significantly, but said that more women are asking for psychological support and legal advice in person and through the NCAV hot line. She estimates NCAV

works with seven new women everyday. Men are also beginning to call to report potential abuse cases both on their own part and on the part of neighbors. In the last 18 months, 155 women received legal counseling and 245 received psychological counseling from NCAV.

Women's Shelters

¶11. There are four independently operating women's shelters in the country, two of which have been established within past two years. The locations are kept hidden so women must generally approach the police in order to contact a shelter. The one shelter located in Ulaanbaatar -- which has a population of one million -- is set up to hold 20 women and is reported to be filled consistently. The shelters located outside the city range in size, with room for 6 to 20 beds but these do not regularly reach their maximum capacity. The number of women fluctuates seasonally with few women looking for help during the summer months. They prefer to look to friends and relatives for support and lodging. During the winter months, women will travel as far as 200 miles for the safe and warm shelter environment. However, many women remain unfamiliar with the resources available.

¶12. NCAV estimates that one woman enters a shelter daily and, while on paper shelters demand women leave after a period of 2-3 weeks, they typically spend up to three months. Coupled with the fact that all children under the age of 13 must accompany their mothers, the overcrowding is quickly becoming a more serious issue. NCAV is beginning to turn their attention to the children of families with abusive members. They have established protection and counseling services similar to ones provide for abused adults and are in the process of constructing a shelter specifically for the children of abused mothers. There is a recognized demand to provide the women with vocational training but this has yet to happen on a consistent basis. Women often return to their abusive husbands for financial reasons.

Funding a Problem

¶13. Funding remains the most limiting factor for continued activism in both the city and countryside. Despite the success of many programs, NCAV has been unable to expand their monetary resources in the past few years. NGOs continue to rely upon donor bodies and collaborative efforts to support projects on a proposal-to-proposal basis. The lack of funding hinders the geographical range of NGO activity, and contributes to inadequate awareness.

¶14. Ms. Kherlen told emboff that the lack of collaboration among NGOs is a hindrance to the fight against domestic violence. She believed there is too much reliance upon donor bodies to formulate the projects. TAF is hoping to work with new NGOs to expand their current partner base and through that base, promote more collaboration and project creativity. A similar effort is being headed by Ms. Amgalan of the "Open Door" Family Development Center.

Signs of Progress

¶15. The responses to the efficacy of the law have been varied, and more pronounced in wealthier and more educated areas. All interviewed for this report agreed that the passage of the new law is indicative of an increasing awareness and interest in the cause. MWLA's Ms. Oyuntsetseg commented that positive legal changes are due both to the new law and to NCAV's training seminars for officials, and said that these changes have facilitated both civil and criminal law cases. One sign of progress: All 37 domestic violence cases that were brought to court this year were tried successfully.

The U.S. Role

¶16. Using EPF money, the Embassy has provided a two-year grant of \$172,000 to The Asia Foundation, which is playing a leading role in promoting coordination among NGOs and government ministries. This funding will continue through April 2008 but there is no definite follow-up grant at present. Using \$25,000 from the monetized proceeds of wheat donated by USDA, two Peace Corps volunteers in one

aimag helped NCAV establish a shelter in 2005; the Ambassador helped inaugurate the shelter.

Slutz